

ORDINANCE NO. 698

AN ORDINANCE AMENDING SECTIONS 128-8, 128-64, AND 128-77 OF THE TOWN OF DENTON CODE, GENERALLY OUTLINING PROVISIONS FOR ALLOWING RESIDENTS TO KEEP OR MAINTAIN CHICKENS AS AN ACCESSORY USE WITHIN THE TOWN OF DENTON AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, THE DENTON TOWN COUNCIL has the authority, pursuant to its Charter to regulate keeping or maintaining of farm animals, specifically chickens, within the Town of Denton; and

WHEREAS, the Town of Denton Planning Commission has recommended that the Zoning Ordinance to prohibit farm animals in the Town of Denton, be amended to prohibit all farm animals other than chickens by approval of the Planning Commission; and

WHEREAS, the Town Council has determined that it is desirable and in the public interest to amend the Zoning Ordinance as recommended by the Planning Commission.

BE IT ENACTED AND ORDAINED BY THE DENTON TOWN COUNCIL AS FOLLOWS:

SECTION 1: § 128-8 Terms Defined is hereby amended to add the following definitions as follows:

FARM ANIMAL – *for the purpose of this Ordinance, shall include, but not limited to: cows, horses, mules, donkeys, goats, sheep, hogs, llama, chickens, turkeys, ducks, geese and pigeons, or similar fowl or hooved animals.*

COOP – *a small house where female chickens are kept safe and secure with perches and nesting boxes.*

ENCLOSURE – *an area inside a fence where chickens are kept and allowed to walk around, including stationary or moveable enclosures known as “chicken tractors”*

SECTION 2: Amend Section 128-64 Permissible uses and specific exclusions C (7) as follows:

No person shall keep or permit to be kept on any property within the Town any wild, exotic or vicious animal as a pet in any zoning district. No farm animals shall be kept as pets, except horses ***and chickens*** as specifically permitted in ***§ 128-77 Farm Animals***.

SECTION 3: Amend Section 128-77 Horse Stables as follows:

§ 128-77 ~~Horse stables.~~ ***Farm Animals.***

§ 128-77.1 Horse stables.

- A. Horse stables for personal pleasure shall be permitted only when the property on which they are located has a minimum of three unconstrained acres (without steep slopes, wetlands or other environmental constraint) and a stable setback minimum of 250 feet from the front property line and all neighboring residences. One horse or pony is permitted per each three unconstrained acres.
- B. Commercial or private stables and riding stables shall be permitted, provided that the lot area is 20 unconstrained acres or more (without steep slopes, wetlands or other environmental constraint) and that any buildings for keeping of animals shall be located at least 200 feet from any side or rear lot lines, and that there shall be housed on the premises no more than one horse or pony for each unconstrained acre of land.

§ 128-77.2 Chickens within the Town of Denton.

Keeping of chickens subject to conditions required by the Planning Commission and subject to the following:

- A. ***No person shall keep chickens within the Town without first obtaining approval from the Town of Denton Planning Commission and a license from the Denton Planning & Codes Department. Only owner-occupied single-family residences will be allowed to be licensed to keep chickens.***
- B. ***The property owner shall register the chickens through the Maryland Poultry Premises Registration Program and provide the Town with a copy of such registration annually.***
- C. ***A maximum of four (4) chickens are to be kept for personal household enjoyment only; no selling of eggs or any by products is allowed. No roosters, crowing hens, breeding or hatching of chickens allowed.***
- D. ***Property to be a minimum of 10,000 square feet. Entire rear yard to be fenced to prevent predation.***
- E. ***All coops and enclosures must be located in rear yards only and a minimum of twenty (20) feet from neighboring property line(s). No coops or enclosures allowed within (100) foot critical area buffer.***
- F. ***All chickens to be secured in a coop or covered enclosure at all times, no free roaming allowed.***

- G. Coops and enclosures to be a minimum of four (4) square feet per bird, maximum total allowable footprint of forty (40) square feet. Coops and enclosures shall not exceed six (6) feet in height above grade.*
- H. All coops shall be elevated, constructed and maintained in a manner that is free from all odors and to prevent rodents from being harbored underneath, within, or within the walls of the enclosure. All feed to be secured in rodent and predator proof containers.*
- I. All coops or enclosures shall be kept in a clean and sanitary condition at all times and the owner of an enclosure shall as often as is necessary remove the accumulations of manure or other excreta in order to prevent the same from attracting flies or rodents, becoming a public nuisance or health concern.*
- J. Property owner is responsible of disposing of manure or other excreta in an approved manner. Composting in sealed containers only, minimum of twenty (20) feet from adjoining properties, no ground composting allowed. Manure, excreta, litter or carcasses shall not be disposed of in the household waste. No composted material may be applied in (100) foot critical area or stream buffers.*
- K. No persons may slaughter any chickens in the Town of Denton.*
- L. If at any time it appears that the keeping of chickens creates a nuisance, the Town's Code Enforcement Officer will issue a written warning outlining the consequences and fines per Resolution #861 if another infraction occurs.*
- M. Upon the fourth infraction within twelve (12) months, the license to keep chickens will be revoked, fines will be levied as outlined in the fee schedule and an order for the owner to abate the nuisance and/or remove the chicken(s) from the Town of Denton. If the owner fails to abate the notice within seven (7) days, the Town's Code Enforcement Officer may summarily have the chickens removed and abate the nuisance at the owner's expense.*
- N. If an owner has had a license revoked, no new license will be issued for a period of five (5) years.*
- O. The Town of Denton Code reserves the right to a minimum of two (2) unannounced inspections yearly and any other inspections as required if complaints arise.*

Section 3: The fee's for licensing and violations shall be established by the Mayor and council from time to time by duly adopted resolution.

SECTION 4: In accordance with § C3-12 of the Denton Town Charter, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption, except that in accordance with Section 4-203 of the Land Use Article of the Maryland Annotated Code, this ordinance shall not be effective until at least ten (10) days after a public hearing is held.

ADOPTED THIS _____ DAY OF _____, 2019.

DENTON TOWN COUNCIL:

Abigail McNinch, Mayor

Lester L. Branson, Councilperson

Dallas Lister, Councilperson

Walter Keith Johnson, Councilperson

Doncella Wilson, Councilperson

ATTEST:

Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this _____ day of _____, 2019.

Christopher F. Drummond, Town Attorney

Date Introduced _____

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is stricken reflects language omitted from the Town Code

Text in **bold** and *italicized* reflects additions to the Town Code